



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

FEB 03 2014

CERTIFIED MAIL NO. 700934100011484
RETURN RECEIPT REQUESTED

Alan Graham
Country Manager and Legal Counsel
Pilkington North America, Inc.
811 Madison Ave
Toledo, Ohio 43604-5684

Re: Pilkington North America, Inc., Lathrop, California

Dear Mr. Graham:

The United States Environmental Protection Agency ("EPA") hereby requires Pilkington North America Inc. ("Pilkington") to provide information as part of an EPA investigation to determine the Clean Air Act ("CAA" or the "Act") compliance status of its glass manufacturing plant located in Lathrop, California (the "Facility").

Pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), the Administrator of EPA is authorized to require any person who owns and/or operates an emission source to establish and maintain records, make reports and provide such other information as he/she may reasonably require for the purposes of determining whether such person is in violation of any provision of the Act. The Facility is located under the jurisdiction of the San Joaquin Valley Air Pollution Control District ("SJVAPCD" or "District"). The Facility contains emission units that emit or have the potential to emit pollutants subject to the SJVAPCD State Implementation Plan ("SIP") Regulations, and is subject to air pollution control requirements that are part of the federally-approved and federally-enforceable SIP, specifically SJVAPCD Rule 4354 – Glass Melting Furnaces. EPA may also use this information to determine the Facility's compliance with other requirements of the CAA.

In order for EPA to determine whether a violation has occurred, you are hereby required, pursuant to Section 114(a) of the CAA, to provide responses to the Information Request in Enclosure 2. (See Enclosure 1 for instructions and definitions.) All information submitted in response to this request must be certified as true, correct, accurate and complete by an individual with sufficient knowledge and authority to make such representations on behalf

of Pilkington. On the last page of your response(s) to this Information Request, please include the certification contained in Enclosure 3.

Failure to provide the required information may result in the issuance of an Order requiring compliance with the requirements, or the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, Section 113(c)(2) of the Act provides that any person who knowingly makes any false material statement, representation, or certification in, or omits material information from any document required pursuant to this Act shall upon conviction be punished by a fine pursuant to Title 18 of the United States Code, or by imprisonment for not more than two years, or both. The information you provide may be used by EPA in administrative, civil and criminal proceedings.

You are entitled to assert a business confidentiality claim (Enclosure 4), covering all or part of the information which this letter requires, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. EPA may provide the public with any information not subject to such a claim without further notice. The required submission of information pursuant to Section 114 is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, *et seq.*

EPA requires Pilkington to submit the information requested in Enclosure 2 no later than thirty (30) calendar days after receipt of this letter. EPA requires that Pilkington report any changes or revisions to the information supplied within seven (7) days after the change or revision is made. This requirement to provide EPA with changed or revised information shall remain in effect until EPA provides Pilkington with written notice of its termination. Pilkington must provide a copy of all responsive documents as searchable PDF files, and submit the responsive documents on a disk (CD or DVD media) along with a cover-letter that includes Pilkington's written responses to the requests. All data (e.g., production or emission data) provided in electronic format shall be supplied in spreadsheets (e.g., Excel format) rather than as images. The format must allow for data to be used in calculations by an Excel spreadsheet. Please submit your response to this request to:

Kathleen H. Johnson
Director, Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
Attn: Cyntia Steiner (ENF-2-1)

If you have any questions regarding this information request, please contact Cyntia Steiner at (415) 947-4112 or have your attorney contact Kara Christenson (415) 972-3881.

Sincerely,



Kathleen H. Johnson
Director, Enforcement Division

Enclosures

cc: Mr. Seyed Sadredin, APCO, San Joaquin Valley Air Pollution Control District
Mr. James Ryden, Chief, Enforcement Division, California Air Resources Board
John Carroll, Esq., Pepper Hamilton LLP
Mr. Kyle Sword, Plant Manager, Pilkington North America

ENCLOSURE 1:

A. INSTRUCTIONS

1. Please provide a separate narrative response to each question and subpart of a question set forth in this Information Request.
2. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
3. Provide all available and responsive information to each request in this Information Request. This includes all supporting documentation, such as performance test reports, inspection records, memorandums, facility records, etc.
4. For each document submitted in response this Information Request, provide an accurate and legible copy. For each document submitted, clearly identify the specific request to which it is responsive.
5. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
6. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.

B. DEFINITIONS

1. All terms used in the Information Request will have their ordinary meaning unless such terms are defined in the Act, 42 U.S.C. § 7401 or 40 C.F.R. Part 52.21.
2. Terms specific to glass melting furnaces and their operations are defined in the New Source Performance Standards for Glass Manufacturing Plants at 40 C.F.R. § 60.291.

ENCLOSURE 2:

If Pilkington has previously provided to EPA any documents responsive to the items below, Pilkington's response may reference the relevant document(s) and date(s) of submittal to EPA rather than another copy of the document(s). Pilkington must submit the following information requested pursuant to Section 114 of the Act, 42 U.S.C. § 7414.

1. Within fifteen (15) business days from receipt of this letter, provide the following information for each day for the time period June 11, 2013 to December 31, 2013:
 - a. the emissions of NO_x, SO_x, CO, and PM₁₀ in pounds, along with a detailed description of how these emissions were measured or calculated.¹
 - b. the amount of glass pulled (tons);
 - c. the amount of each fuel combusted in the furnace;
 - d. the amount of electric boost (kW); and
 - e. the percent cullet used in batch (average).
2. Within fifteen (15) business days from receipt of this letter, provide copies of each stack emissions test conducted on the furnace stack since June 11, 2013. This request includes tests done to determine compliance with permits or regulatory standards, engineering tests, and tests for general information. Copies of the summary pages from the reports are sufficient provided they include the emission rates and the operating parameters including, but not limited to, fuel usage, electric boost usage (kW), glass pull rate (tons/hr), raw materials type and feed rate (lb/hr), bridgwall temperature (degrees F), oxygen flow rate (dscf/min), air flow rate (dscf/min), and percent cullet usage.
3. On a monthly basis, Pilkington shall provide to EPA a monthly report of daily emissions and daily production for the glass furnace that includes:
 - a. the emissions of NO_x, SO_x, CO, and PM₁₀ in pounds, along with a detailed description of how these emissions were measured or calculated.
 - b. the amount of glass pulled (tons);
 - c. the amount of each fuel combusted in the furnace;
 - d. the amount of electric boost (kW); and
 - e. the percent cullet used in batch (average).

The first monthly reporting period shall be January 1 through January 31, 2014 and shall continue through December 2014 or upon shutdown of the furnace, whichever comes first. The monthly reports shall be submitted to EPA on 15th day following the end of each monthly reporting period, i.e., February 15, March 15, etc. Such submittals shall be accompanied by a certification as to the truth and accuracy of the submittal signed by a responsible official.

¹ For instance, identify any and all emission factors for each pollutant used in these calculations, along with the source of each emission factor, as well as other data used, such as CEMS or flow rate data.

4. Copies of all documents related to breakdowns, excess emissions, or variances submitted by Pilkington to SJVAPCD through December 2014.
5. Copies of all documents exchanged between Pilkington to SJVAPCD that relate to SJVAPCD Rule 2301 Emission Reduction Credit Banking through December 2014.

ENCLOSURE 3:

STATEMENT OF CERTIFICATION

[This Certification is for signature by the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of the corporation.]

Pilkington North America, Inc. is submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") request for information, issued pursuant to Section 114(a) of the Clean Air Act, to determine whether the facility is in compliance with the Clean Air Act, including New Source Review Standards.

I certify that I am fully authorized by Pilkington North America, Inc. to provide the above information on its behalf to EPA.

I certify under penalty of law that I have personally examined and am familiar with the statements and information submitted in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, correct, accurate and complete. I am aware that there are significant penalties for submitting false statements and information, or omitting required statements and information, including the possibility of fines and imprisonment for knowing violations.

Date: _____

Name (Printed): _____

Signature: _____

Title: _____

ENCLOSURE 4:

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as "trade secret," "proprietary," "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification in accordance with 40 C.F.R. Part 2, Subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business's competitive edge.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e).

1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your responses?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

(A) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from

any emission by the source), or any combination of the foregoing;

(B) Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

(C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B), and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.